

## **REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office Action dated March 24, 2005. After entry of this amendment, claims 1-36 will be pending in the application. Reconsideration and allowance is respectfully requested in view of the remarks made below.

### ***1. The Prior Art Rejections***

All of the claims were rejected in the Office Action based on U.S. Patent 5,253,780 to Adado ("Adado") either under §102(b) or under §103 in combination with other references. Specifically, 1, 8-10 and 16-18 were rejected under §102(b) based on Adado. Claims 2 and 3 were rejected under §103(a) based on a combination of Adado and U.S. Patent 6,029,842 to Sheffler ("Sheffler"). Claims 4 and 5 were rejected under §103(a) over a combination of Adado, Sheffler and U.S. Patent 4,548,349 to Tunberg ("Tunberg"). Claims 6 and 7 were rejected under §103(a) over a combination of Adado, Sheffler, Tunberg and U.S. Patent 4,818,573 to Hirata et al. ("Hirata"). Claims 11-15 were rejected under §103(a) over and combination of Adado, U.S. Patent 5,201,893 to Holloway et al. ("Holloway") and U.S. Patent 5,545,707 to Heldingsfeld ("Heldingsfeld"). Claim 19 was rejected under §103(a) based on a combination of Adado and U.S. Patent 5,197,618 to Goth ("Goth"), and seemingly also under a combination of Adado, Goth and Holloway.<sup>1</sup> Claim 20 was rejected under §103(a) on a combination of Adado, Goth, Holloway and U.S. Patent 4,815,628 to Wehnert III ("Wehnert"). Applicant respectfully but strenuously traverses all of these rejections, for the reasons set forth below.

Claim 1 clearly recites "a body and a single layer elastomeric overmolding partially covering said body." Adado, on the other hand, discloses a thermal drinking cup that has an insulating sheath 14 mounted on the sidewall 20 of the container. The insulating sheath 14 is clearly not an overmolding as is specified in claim 1. This is clear from column 4, lines 33-60 of the Adado specification where it is disclosed that the insulating sheath 14 is preferably cut from an extruded sheet of closed cell polyolefin material that is laminated with an outer surface 38 of

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<sup>1</sup> It is unclear whether the rejection in Paragraph 18 of the Office Action was meant for Claim 18 or claim 19. It says 19, but the rejection in Paragraph 19 implies it was meant for 18.

an extrusion coating. The insulating sheath 14 that is disclosed in Adado, in addition to not being an overmolding cannot be considered to be a single layer overmolding because of the presence of the outer surface 38 of an extrusion coating. Adado therefore cannot reasonably be considered to anticipate independent claim 1 under §102.

There are important structural differences between an overmolding and a laminated assembly of the type that is disclosed in Adado. There is no suggestion or incentive provided in Adado or any of the other references of record that would have led a person having ordinary skill in this area of technology to modify the article taught in Adado in order to achieve what Applicant is claiming in independent claim 1. Accordingly, claim 1 and all claims depending therefrom should be considered to patentably define over the prior art of record and should be allowed.

New claims 22-36 have been added to claim additional subject matter that should be allowable over the prior art of record.

## **2. Conclusion**

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

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